

10

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

MICHAEL N. MILBY
CLERK OF COURT
P.O. BOX 61010
HOUSTON, TEXAS 77208

(713) 250-5400
Fax (713) 250-5014
www.tx.uscourts.gov

TO: Clerk, U.S. District Court

Eastern District of Michigan, South

RE: Civil Action 2:07cv436

AHMAD JEBRIL

VS

UNITED STATES OF AMERICA, ET AL

Case: 2:08-cv-10151
Judge: Battani, Marianne O
Referral MJ: Binder, Charles E
Filed: 01-11-2008 At 09:31 AM
TRANS HC JEBRIL V USA (RRH)

Dear Sir/Madam:

Severing and Transferring Certain Claims
Enclosed are certified copies of an order transferring the above-captioned case to your district and of the docket for that case. The case file can be accessed through the Electronic Case Filing/Pacer System for the Southern District of Texas at:

ecf.txsd.uscourts.gov

Please acknowledge receipt of these documents by signing the receipt below, indicating your case number and returning it to us in the enclosed envelope.

Sincerely,

Michael N. Milby, Clerk

Date: 1/4/2008

By:


Deputy Clerk

cc: Counsel of Record

Please complete and return acknowledgment to this office.

Received and filed under Civil Action _____
on _____

Clerk, United States District Court

By:


Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

AHMAD JEBRIL

Petitioner

VS.

UNITED STATES OF AMERICA

§ Case: 2:08-cv-10151
§ Judge: Battani, Marianne O
§ Referral MJ: Binder, Charles E
§ Filed: 01-11-2008 At 02:04 PM
§ TRANS HC JEBRIL V USA (RRH)
§

ORDER SEVERING AND TRANSFERRING CERTAIN CLAIMS

This is a civil rights action filed by a federal prisoner. He is currently incarcerated at the Federal Correctional Institution, which is located in Three Rivers, Texas.

Plaintiff names as defendants C. Eichenlaub, warden of FCI Milan in Milan, Michigan; Mukhtar Curtis, head chaplain of FCI Milan; Jodi Bradley, a captain at FCI Milan; and Agent Webber, a special investigations agent at FCI Milan in their individual and official capacities. (D.E. 15, at 1). Plaintiff alleges that these FCI Milan defendants harassed and discriminated against him because he is a Muslim. (D.E. 12, at 5). Moreover, he alleges that he was placed in special housing unit and ultimately transferred to FCI Three Rivers in violation of his due process rights. *Id.* at 8-10.

Pursuant to Rule 21 of the Federal Rules of Civil Procedure, “[a]ny claim against a party may be severed and proceeded with separately.” A trial court has broad discretion to sever claims. *Brunet v. United Gas Pipeline Co.*, 15 F.3d 500, 505 (5th Cir. 1994). Thus, the Court may order the severance of a claim where it will serve the ends of justice and further the prompt and efficient disposition of the litigation. *See United States v. Welch*, 656 F.2d 1039, 1053 (5th Cir. 1981); *Wyndham Assoc. v. Bintliff*, 398 F.2d 614, 618 (2d Cir. 1968). Severance may be appropriate when “the events or omissions giving rise to the severed claims occurred in another

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ATTEST: 3 pp. 1-4-08
MICHAEL N. MILBY, Clerk of Court
By Marianne Battani
Deputy Clerk

venue.” Newton v. Stringfellow, 93 Fed. Appx. 615, 617 (5th Cir. 2004) (per curiam) (unpublished) (citing 28 U.S.C. § 1391(b)). Here, the adjudication of plaintiff’s claims against the FCI Milan defendants with the FCI Three Rivers defendants would be inefficient. Additionally, the FCI Milan defendants would likely raise meritorious personal jurisdiction and venue defenses. Severance would serve the ends of justice by promoting the prompt and efficient disposition of the litigation.

A civil action wherein jurisdiction is not founded solely on diversity of citizenship may be brought in (1) a judicial district where any defendant resides, if all defendants reside in the same State, or (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). In addition, for the convenience of parties and witnesses, and in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. § 1404(a).

In this case, the FCI Milan defendants are alleged to work or engage in business in Milan, Michigan and the events of which plaintiff complains occurred in Washtenaw County, Michigan. (D.E. 1). Washtenaw County lies within the Southern Division of the Eastern District of Michigan. 28 U.S.C. § 102(a)(1). Jurisdiction is proper with that court. 28 U.S.C. § 1391(b).

Moreover, because plaintiff’s claims stem from alleged incidents in Washtenaw County, it follows that most of the evidence, including witnesses and documentation, lie within or around that facility. In the interest of justice and for the convenience of parties and witnesses, the United States District Court for the Eastern District of Michigan, Southern Division, is the more convenient forum. 28 U.S.C. § 1404(a).

Accordingly, it is ordered that the clerk of the Court TRANSFER plaintiff’s claims against the FCI Milan defendants to the United States District Court for the Eastern District of

Michigan, Southern Division. The Court will RETAIN plaintiff's claims against defendants Dan Joslin and Joseph Higgerson on its docket.

SIGNED and ORDERED this 4th day of January, 2008.

A handwritten signature in black ink, reading "Janis Graham Jack", is written over a horizontal line.

Janis Graham Jack
United States District Judge

HABEAS

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Corpus Christi)
CIVIL DOCKET FOR CASE #: 2:07-cv-00436
Internal Use Only**

Jebril v. United States Of America
Assigned to: Judge Janis Graham Jack
Referred to: Magistrate Judge Brian L Owsley
Cause: 28:2241 Petition for Writ of Habeas Corpus (federa

Date Filed: 11/09/2007
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: U.S. Government
Defendant

Petitioner

Ahmad Jebril

represented by **Ahmad Jebril**
#31943-039
P.O. Box 4200
Three Rivers, Tx 78071
PRO SE

V.

Defendant

Agent Webber
*a Special Investigation Agent at FCI
Milan*

Respondent

United States Of America

Respondent

Warden Dan Joslin
Three Rivers FCI

Respondent

Captain Joseph Higginson
Three Rivers FCI

Respondent

Warden C Eichenlaub
Milan FCI - Michigan

Respondent

Head Chaplain Mukhtar Curtis
Milan FCI - Michigan

Respondent

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ATTEST: 3 pgs. 1-4-08
MICHAEL N. MILBY, Clerk of Court
By *Michael N. Milby*
Deputy Clerk

Captain Jodi Bradly
Milan FCI - Michigan

Date Filed	#	Docket Text
11/08/2007	<u>1</u>	PETITION for Writ of Habeas Corpus (Filing fee \$ 5) filed by Ahmad Jebril. (Per C.D., case to be opened as a 2241)(mserpa,) (Entered: 11/09/2007)
11/08/2007	<u>2</u>	MOTION for Appointment of Counsel by Ahmad Jebril, filed. Motion Docket Date 11/28/2007. (mserpa,) (Entered: 11/09/2007)
11/09/2007	<u>3</u>	(Court only) ***Case assigned to Judge Janis Graham Jack. (mserpa,) (Entered: 11/09/2007)
11/09/2007	<u>3</u>	ORDER denying <u>2</u> Motion to Appoint.(Signed by Judge Brian L Owsley) Parties notified.(lsmith,) (Entered: 11/09/2007)
11/09/2007	<u>4</u>	NOTICE OF DEFICIENT PLEADING as to Ahmad Jebril. submit filing fee or fully completed IFP application Parties notified.Notice of Compliance due by 11/29/2007, filed. (mserpa,) (Entered: 11/09/2007)
11/09/2007	<u>5</u>	CLERKS NOTICE re: <u>1</u> Petition for Writ of Habeas Corpus. Parties notified., filed. (mserpa,) (Entered: 11/09/2007)
11/09/2007	<u>6</u>	NOTICE of Exclusion, filed. (mserpa,) (Entered: 11/09/2007)
11/09/2007	<u>7</u>	ORDER. Petitioner is ordered to refile an amended petition pursuant to 28 U.S.C. 2241 on the proper form within twenty days of the date of this order. (Signed by Judge Brian L Owsley) Parties notified. 2241 filing forms mailed to petitioner.(lcayce,) (Entered: 11/13/2007)
11/15/2007	<u>8</u>	Writ of Habeas Corpus Filing fee re: <u>1</u> Petition for Writ of Habeas Corpus : \$5.00, receipt number 239170, filed. (gchavez,) (Entered: 11/16/2007)
11/19/2007	<u>8</u>	AMENDED Petition for Writ of Habeas Corpus against Dan Joslin, Joseph Higerson, C Eichenlaub, Mukhtar Curtis, Jodi Bradly filed by Ahmad Jebril. (Attachments: # <u>1</u> Cover Letter# <u>2</u> Exhibit 1# <u>3</u> Exhibit 2# <u>4</u> Exhibit 3# <u>5</u> Exhibit 4)(lcayce,) (Entered: 11/21/2007)
11/21/2007	<u>9</u>	Letter from Ahmad Jebril re: petition, filed. (lcayce,) (Entered: 11/21/2007)
12/04/2007	<u>10</u>	ORDER SETTING EVIDENTIARY HEARING. Evidentiary Hearing set for 12/13/2007 at 03:00 PM before Magistrate Judge Brian L Owsley. (Signed by Judge Brian L Owsley) Parties notified.(lcayce,) (Entered: 12/05/2007)
12/06/2007	<u>11</u>	NOTICE TO THE COURT re: petition by Ahmad Jebril, filed. Copy of current docket sheet mailed to petitioner.(lcayce,) (Entered: 12/06/2007)
12/12/2007	<u>12</u>	AMENDED Petition for Writ of Habeas Corpus against Dan Joslin, Joseph Higerson, C Eichenlaub, Mukhtar Curtis, Jodi Bradly filed by

		Ahmad Jebril.(lcayce,) Additional attachment(s) added on 12/12/2007 (lcayce,). (Entered: 12/12/2007)
12/13/2007	●	Minute Entry for proceedings held before Judge Brian L Owsley. SPEARS HEARING held on 12/13/2007. Discussion held regarding suit filed. Appearances:Ahmad Jebril by telephone.(Digital # 3:09:45-3:23:33)(ERO:kbledsoe), filed.(kbledsoe,) (Entered: 12/14/2007)
12/18/2007	● 13	ORDER / NOTICE OF POWER TO CONSENT.(Signed by Judge Janis Graham Jack) Parties notified.(lcayce,) (Entered: 12/19/2007)
12/21/2007	● 14	MOTION/APPLICATION to Proceed In Forma PauperisMotions referred to Brian L Owsley. by Ahmad Jebril, filed. Motion Docket Date 1/10/2008. (lcayce,) (Entered: 12/21/2007)
12/21/2007	● 15	MOTION for Leave to File Amended ComplaintMotions referred to Brian L Owsley. by Ahmad Jebril, filed. Motion Docket Date 1/10/2008. (lcayce,) (Entered: 12/21/2007)
12/24/2007	● 16	ORDER for Initial Partial Filing Fee and Collection Order as to Ahmad Jebril; terminating 14 MOTION/APPLICATION to Proceed In Forma Pauperis.(Signed by Judge Brian L Owsley) Parties notified. Copy mailed to Inmate Accounting Officer and Paralegal Specialist - FCI Three Rivers. Copy to financial clerk GL. (lcayce,) (Entered: 12/26/2007)
12/26/2007	● 17	ORDER GRANTING MOTION TO AMEND COMPLAINT granting 15 Motion for Leave to File.(Signed by Judge Brian L Owsley) Parties notified.(mserpa,) (Entered: 12/26/2007)
01/02/2008	● 18	ORDER SETTING EVIDENTARY HEARING. Evidentiary Hearing (by telephone conference) set for 1/9/2008 at 11:00 AM before Magistrate Judge Brian L Owsley.(Signed by Judge Brian L Owsley) Parties notified.(mserpa,) (Entered: 01/03/2008)
01/04/2008	● 19	ORDER SEVERING AND TRANSFERRING CERTAIN CLAIMS. Plaintiff's claims against the FCI Milan defendants are TRANSFERRED to the U.S. District Court for the Eastern District of Michigan, Southern Division. The Court will RETAIN plaintiff's claims against defendants Dan Joslin and Joseph Higgeson on its docket..(Signed by Judge Janis Graham Jack) Parties notified-cert. copy of docket sheet, transfer letter and this order to Eastern District of Michigan, Southern Division by cm/rrr.(mserpa,) (Entered: 01/04/2008)

United States Courts
Southern District of Texas
FII FI

NOV 08 2007

Michael N. Milby, Clerk of Court
Nov. 05, 2007

Clerk Of The Court
Southern District Court
1133 N. Shoreline Dr.
Corpus Christi, TX 78401

Dear Clerk:

I'm currently an inmate in Three Rivers FCI serving a total of 100 months on two cases of fraud and another on jury tampering with Docket #: 05-CR-80175-DT-02 and 03-80810-01.

I was appointed an attorney for both of those cases by my judge while on bond in Michigan because I could not afford one.

After serving time in Milan FCI - Michigan I was placed in the HOLE/SHU for 8 months then taken to Three Rivers, FCI here in Texas over 35 hours out of the jurisdiction they are supposed to keep me.

I was never informed why or presented with any disciplinary action which violated the elementary due process along with my civil rights in many ways.

Being this far away my ill mother can no longer visit me as well as my other family members.

After I was in the SHU/HOLE and here in Three Rivers FCI I've been taunted, tormented, harassed, targetted and discriminated against in every single way one can imagine. They violated me and my rights as an inmate to the point that I think inmates in Abu Ghraib/Iraq and in Guwantanamo/Cuba are treated better than the LIVING HELL THE STAFF AT THREE RIVERS are putting me through.

When I complained and spoke to the officials it only made things worse!

My case manager (BARRARA) told me to hire a lawyer.

I therefore ask a lawyer be appointed for me so these violations against me stop since I cannot afford one now that I'm an inmate nor could I afford one when I was on bond in my original cases,

PLEASE HELP ME in accordance with 18 USC § 3006A(a)(2)(B) by appointing me an attorney to get the staff at Three Rivers to stop their violatic

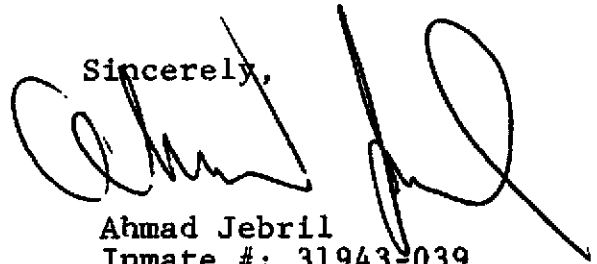
As to my background ... I'm a USA citizen born and raised in Dearborn, Michigan serving a 100 month sentence on fraud and jury tampering charges.

This matter is extremely urgent and I'm in desperate need of an attorney.

The situation is so bad that the staff ran me off the lunch hall and I have not been eating there for over 2 months because of the staffs harassing tactics.

Please contact me with an appointed attorney for this urgent matter or have the attorney contact me.

Sincerely,



Ahmad Jebril
Inmate #: 31943-039
P O Box 4200
Three Rivers, TX 78071

11/5/07

CASE LAW:

I have exhausted all prison remedies and now need to file a 28 USC 2241 motion that I need an attorney for. As well as for other possible remedies that I can only attain through counsel.

18 USC § 3006(a)(2)(B)

Adequate representation of defendants

Each U S district court with the approval of the judicial council of the circuit, shall place in operation throughout the district a plan for furnishing representation for any person financially unable to obtain adequate representation in accordance with this section. Representation under each plan shall include counsel and investigative, expert, and other services necessary for adequate representation. Each plan shall provide the following:

(2) Whenever the US magistrate judge or the court determines that the interests of justice so require, representation may be provided for any financially eligible person who-----

(B) is seeking relief under section 2241, 2254, or 2255 of title 28.

Ahmad Jebri
Inmate #: 31943-039 Federal Correctional
P O Box 4200 Institute,
Three Rivers, TX 78071

United States Courts
Southern District of Texas
FBI ED

NOV 08 2007

Michael N. Milby, Clerk of Court

LEGAL MAIL

LEGAL MAIL

Clerk of The Court
Southern District Court
1133 N. Shoreline Dr.
Corpus Christi, TX 78401

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78401+2003

